GOVERNMENT OF ANDHRA PRADESH

ABSTRACT:

Public Services – A.C.B. case - Allegations in possession of disproportionate of assets to the known sources of income and not submitted annual property statements in the prescribed proforma in items of APCS (Conduct) Rules 1964 while in service which is proved in the enquiry conducted against Sri D. R. Gopal Reddy, formerly Asst. Director of Sericulture, Guntur now retired as Asst. Director of Sericulture, at Madakasira, Ananthapur Dist – Imposition of a Punishment of 20% cut in pension for five (5) years under rule -9 of A. P. Revised Pension Rules, 1980 – Orders – Issued.

AGRICULTURE AND COOPERATION(VIG-1) DEPARTMENT

G.O.Rt.No.206 **Dated:18 -03-2016.**

Read the following -

1. G.O.Rt.No.1366, A&C (Vig.II) Dept., dated: 10.11.2009.
2. O.A.No.12762/2009 filed by Sri D.R.Gopal Reddy ,ADS and interim orders of the Hon'ble Tribunal, dt.31.12.2009.
3. Final orders of the Hon'ble APAT in O.A.No.12762/2009 with VMA No.2066 of 2010 Date: 8.2.2013.
4. G.O.Rt.No.426,A&C(Vig.I)Dept,Date:15.07.2014.
5. O.A.NO.6288/14 in APAT filed by Sri D.R.Gopal Reddy ,ADS.
6. The orders of the Hon'ble Tribunal in O.A.No.6288/14 Date:12.12.2014 filed by Sri D.R.Gopal Reddy ,ADS
7. Govt Memo.No.222/Vi.gI(2)/2010,Date:3/2/2015.
8. From the CoS,A.P,Hyderabad,Rc.No.556/2014-B1-B,Date:24.03.2015.
9. Govt Memo No.222/vig.1(2)/2010,Date:23.06.2015.
10. From the CoS,A.P,Hyderabad,Rc.No.556/2014-B1-B,Date:21.08.2015.
11. Govt Memo.No.222/Vig.1(2)/2010,Date:8.10.2015.
12. Repn. from Sri D.R.Gopal Reddy,ADS,Date: 31.10.2105 with it enclosures.
13. From the APPSC Lr.No.80/DC&C/1/2016,Date:15.2.2016.

ORDER:-

Whereas in the G.O.1st read above orders were issued by the Govt. imposing the punishment of reduction by one rank against Sri D.R. Gopal Reddy, Asst Director of Sericulture, Madakasira, Ananthapur Dist. based on the report of Director General, A.C.B. Hyderabad and enquiry report of Tribunal for Disciplinary Proceedings thereon as the charges, for possession of disproportionate assets to the known sources of his income was proved. In the ref. 2nd read above, Sri D.R. Gopal Reddy, ADS Madakasira, Ananthapur Dist filed O.A.No.12762/2009 before Hon'ble Tribunal against the said orders. The Hon'ble APAT passed interim orders to keep the G.O. in abeyance. Sri D.R.Gopal Reddy, ADS was continued in the service as Asst Director of Sericulture till he retired on 31.5.2013. In ref. 3rd read above, the Hon'ble APAT in its Judgment found fault with the Tribunal Disciplinary Proceedings Report, and set aside the G.O. 1st read above, with a direction to the respondents to consider the property statements submitted by the applicant as per rules and pass appropriate orders on the merits and as per rules.

2. In the G.O.4th read above, charges were framed afresh against Sri D.R.Gopal Reddy ADS Retired for non submission of Annual Property Returns as per A.P.C.S (conduct) Rules, 1964 r/w Rule-9 of A.P. Revised Pension Rules, 1980. The Charged Officer again filed another O.A.No.6288/14 challenging the orders of the said action. In the ref. 6th read above, the Hon'ble A.P.A.T. in its orders dt: 12.12.2014 directed the respondents to finalize the case as per the orders of the Hon'ble Tribunal dt. 8.2.2013 in O.A.No.12762/2009.

3. Accordingly, Government after examining the orders of the Hon'ble APAT appointed Sri Manoharn Dy. Director of Sericulture & I/c. Jt. Director of Sericulture, Kurnool as Enquiry Officer and Asst. Director of Sericulture, (ATPR), Ananthapur as presenting officer to verify the Annual Property Return statements and come to a view, whether charge is held proved or not and to submit the report, to finalize the case as per the orders dated 8.2.2013 in OA No. 12762/2009 of the Hon'ble A.P.A.T. and as ordered in its judgment dt. 12.12.2014 in O.A.No.6288/2014. vide Govt Memo. 7th read above.

(P.T.O)

4. In the ref. 8th read above, the Enquiry Officer Sri N. Monharan, Dy Director of Sericulture verified / enquired into the matter as to whether the C.O. has submitted his Annual Property Returns / Statements as per the prescribed procedure under APCS(Conduct) Rules, 1964 and submitted his report taking into consideration and material available with ref. to the orders of the Hon'ble APAT in O.A.No.12762/2009, dt. 8.2.2013 by giving an opportunity to the charged officer. Further the Enquiry Officer has reported that it clearly revealed from the above that the charged officer did not follow the procedure and submitted the A.P.Rs as per his convenient which is the violation of the Rules. Thus he violated rule-3 and 9 of A.P. Civil Services (Conduct) Rules, 1964. Hence the charge is proved."

5. Government have examined the entire case duly taking into consideration of the report of Sri N. Manoharan, DDS who was authorized to verify the Annual Property Returns submitted by the charged officer while in service, with reference to the material available in the records and report of the Commissioner of Sericulture, Hyderabad submitted in the ref. 8th read above, and a provisional decision was taken to impose a punishment of 20% cut in pension for five years on the proved charge that Sri D.R.Gopal Reddy, ADS(rtd) has not followed the prescribed procedure and submitted the A.P.Rs. as per his convenient which is in violation of APCS(conduct) Rules, 1964 in terms of the rule-9 of the A.P.R.P.Rules, 1980.

6. Accordingly, in the ref. 11th read above, while informing the above proposed punishment duly communicating the verification report of the Enquiry Officer and a SCN, Sri D.R.Gopal Reddy,A.D.S(retd) was directed to submit his explanation within 15 days. In the ref. 12th read above, Sri D.R.Gopal Reddy ADA (Retd) submitted his written representation denying the proposed punishment of 20% cut in pension for five years. Govt. have examined the explanation of the C.O. with ref. to the material available in the record and the orders of the Hon'ble Tribunal, dt. 8.2.2013 in O.A.No.12762/2009 and observed that the representation of the charged officer is devoid of any merit for consideration and rejected as the charge is held proved in enquiry and approved by Govt.

7. Therefore, the Govt have decided to confirm the above punishment of imposition of 20% cut in pension for a period of 5 (five) years on the lapses committed by him and obtained the concurrence of the A.P.P.S.C in the ref. 13th read above.

8. Government after careful examination of the entire issue hereby decided and imposed 20% cut in pension for 5 (five) years on Sri. D.R.Gopal Reddy, formerly Asst. Director of Sericulture, Guntur now retired as Asst. Director of Sericulture, at Madakasira, Ananthapur Dist.

9. The Commissioner of Sericulture, A.P., Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY
Ex. OFFICIO. SECRETARY TO GOVERNMENT (H&S)

To
The individual through the Commissioner of Sericulture ,A.P, Hyderabad.
The Commissioner of Sericulture , A.P., Hyderabad.
Copy to:
The Secretary, A.P. V.C.
The Prl.Secretary ,APPSC,Hyderabad.
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER